Liber8 Lanarkshire
Complaints Policy and Procedure for Counselling Services

Foreword:

Liber8 holds COSCA's ***Certificate of Recognition***; a nationally recognised award for Counselling in Scotland which forms part of COSCA's quality assurance framework which aims to identify and raise awareness of good quality service provision and safe practice

The quality assurance criteria for this award requires adherence to the ethical requirements of COSCA's Ethics and Code of Practice including but not limited to providing appropriate Policies and Procedures; all policies must meet the awarding criteria; one such Policy is our ***Complaints Policy*** which is adopted from COSCA's policy and meets the qualifying criteria of COSCA.

Liber8 views complaints as, a chance to put things right for the person/s that has made the complaint and an opportunity to learn and improve. We have a robust Complaints Policy, which

- Is written in clear concise language; offered in additional formats if required
- Offers assistance and support for anyone experiencing literacy difficulties.
- Details the procedure.
- Explains the time frames involved: e.g. 20 days for acknowledgement
- Outlines expectations
- Provides details of independent organisations and advocacy services that can assist the person in the event of an unsatisfactory outcome

Our policy aims:

- To provide a fair complaints procedure that is clear and easy to use for anyone wishing to make a complaint
- To publicise the existence of our complaints procedure so that people know now how to contact us to make a complaint
- To make sure all staff at Liber8 knows what to do if a complaint is received
- To make sure all complaints are investigated fairly and in a timely way
- To make sure that complaints are, wherever possible, resolved and that relationships are repaired
- To gather information which helps us to improve what we do

Furthermore, the policy includes:

- Definition of a Complaint
- Where Complaints Come From
- Confidentiality
- Responsibility

In addition, Liber8 has a Grievance Policy which outlines the procedure and enables Liber8 to ensure that any problems, complaints or concerns raised by its employees are dealt with in a fair, timely and consistent manner. The policy sets out how an Employee should raise their grievance and what level of management will deal with their issue. It details the approach to informal and formal routes and the appeal proc

Liber8 Lanarkshire
Complaints Policy and Procedure for Counselling Services

This Complaints Policy and Procedure applies to complaints made against any aspect of our Counselling Service. If you wish to make a complaint against any other of Liber8's services, please contact Liber8 and our Complaints Policy and Procedure for non-counselling services will be supplied to you. The policy can also be found on our webpage www.liber8.org.uk

This Complaints Policy and Procedure can be requested in other formats and languages where necessary – please contact us using the details as the end of this policy.

Organisations that can provide independent support and advocacy for people wishing to make a complaint are listed at the end of this policy.

Introduction

A complaint is an expression of dissatisfaction, either written or spoken. A complaint can be made by an individual or by a group. You may wish to complain if you are not satisfied with:

- the way you have been treated by members of staff, volunteers or other workers and groups providing services on behalf of Liber8's Counselling Service
- the service you have received from Liber8's Counselling Service.

Principles of Liber8's Counselling Service Complaints Procedure

- Liber8 recognises that complaints are an important part of client feedback and can help to improve services.

- Liber8 encourages anyone wishing to make a complaint to do so promptly this will ensure that any problems are addressed as soon as possible.

- Complaints will be accepted for investigation up to three years following the date of the alleged breach of COSCA's Statement of Ethics and Code of Practice.

- Complaints will be accepted outside of this limit if they are deemed to be in the public interest

- Liber8 will consider anonymous complaints if there is enough information in the complaint to enable us to make further enquiries. If, however, an anonymous complaint does not provide enough information to enable us to take further action, we may decide not to pursue it further. Any decision not to pursue an anonymous complaint must be authorised by

the C.E.O. or Chairperson.

- Liber8 will consider complaints from third parties who have themselves been directly and adversely affected by the service (third parties are those who have not personally received services related to counselling).

  claim management companies, friends, colleagues, consumer advisers, local authority councillors and elected members of parliament.

- All complaints will be investigated fully and fairly.

- Complaints will be dealt with in confidence. The only exceptions to this will be when others could be put at risk by matters referred to in the complaint, or the complaint is of a very serious nature.

- If the complainant is not happy with the result of the response to the complaint, they will have the right of appeal.

- This procedure is for anyone who has received a service from Liber8's Counselling Services. It does not cover complaints made against other services, or by staff, who need to follow the Complaints Policy and Procedure for non-counselling services and Liber8's Grievance Procedure for staff and volunteers or Board members who need to follow other internal procedures.

- The maximum time taken for a complaint to be investigated is 6 months

- All clients engaging in our counselling services are made aware of their right to access both COSCA's and BACP' s Complaints Procedure.

- All complaints should be submitted in the first instance to Liber8's Head Office at 1/3 Station Road Blantyre G72 9AA

Stage One (Informal Complaint)

- The complainant should approach the individual concerned or that person's Line Manager and try to resolve the complaint informally.
- If no satisfactory response is received at Stage One then the complainant should move to Stage Two.

Stage Two (Formal Complaint)

A member of staff can explain the formal complaints process to any potential complainant or their representative if this is necessary. The details of the complaint should be put in writing to the Manager. (If the complaint is about the Manager, it should be passed to the C.E.O.) If the complainant is not happy about writing a letter, then a member of staff can be asked to take notes of the complaint. The complainant should ensure that they agree with what has been written, sign the document to this effect and obtain a copy for reference. This record will then be passed to the Manager/C.E.O. The Manager/C.E.O. will appoint a Complaint Manager.

The complaint will be acknowledged by a letter from the Complaint Manager within 20 days of the date it was received. In regard to schools counselling, the complaint will be acknowledged withing 5 days. The Complaint Manager will decide whether there is sufficient corroborating evidence for the complaint to be processed for investigation; if there is to be an investigation Liber8 will send a letter to the complainant and the complaint against containing the following information:

- Who is investigating the case
- When the investigation will start

The investigation will be impartial and independent of the complainant and the person(s) complained against. All parties involved in the complaint and its investigation must declare any conflicts of interest. If there is a conflict of interest, it should be made known to the Complaints Manager and the CEO. Liber8 can at any time seek the help or assistance of legal or other specialist advice.

The complainant is required to give signed permission for confidential information, pertinent to the complaint, to be disclosed by all parties cited in the complaint to the Complaint Manager or those involved in handling the complaint

Should the investigator require to interview anyone involved in the complaint evidence will be taken from each party separately and in a manner, which means the parties involved will not come in to contact with each other.

Anyone interviewed regarding the complaint is entitled to be accompanied by a supportive person of their choice; however, this person must be independent of the complaint and must state any conflict of interest to the investigator and CEO.

Liber8 acknowledge that sometimes circumstances out with a person control can impact on their commitments and schedules which may require the investigation to be adjourned; if this should happen the Complaint Manager, with due regard to time restraints and confidentiality, the process may be adjourned or put in recess. The process will be re-started at the point at which it was stopped, within a reasonable time.

A complaint can be discontinued if:

a) the complainant fails or refuses to participate at any stage of the complaint procedure without good reason

b) the complainant formally withdraws the complaint

If either a or b should occur both the complainant and the complained against will be informed by letter.

The complainant and the complained against will be informed of the result of the investigation. They will receive a response, in writing within 28 days of the start of the investigation. However, should there be any interruptions to the investigation, for example through ill health, bereavement, or compassionate leave Liber8 will communicate via letter with the complainant and complained against about the progress of the investigation. Liber8 aim to conclude any investigation as promptly as possible however, if it has not been

possible to complete the investigation within 28 days, the complainant and complained against will be informed as to what the reasons are and the expected completion date

The result of the investigation would be communicated by a letter which would include the following information

- Details of the investigation
- A decision on whether the complaint was upheld or not
- The redress, if appropriate, which will be offered e.g. an apology
- Any possible sanctions that may result, e.g. suspension
- Any other action that will be taken as a result of the complaint

Vexatious or Malicious Complaints

During the investigation if the Complaints Manager determines the complaint to be vexatious or malicious, they will not pursue the complaint any further. However, this does not remove the Complainant's right to submit their complaint to independent agencies such as the Ombudsman or COSCA

If a complaint is found to be vexatious or malicious, there will be no record of the complaint in the file of the staff member / service about which the complaint was made.

Before the complaint is deemed vexatious the Complaints Officer must bring it to the attention of the Chief Executive Officer who will inform the Board of Directors.

Complaints against former Staff Members

If the complaint is against a former worker of Liber8:

a) any investigation is conducted for the learning of the organisation e.g. to identify any systematic failures

b) wherever possible the complained against is offered the opportunity to represent their own interest

c) if the former worker is still a member of COSCA, COSCA may investigate under the system for dealing with information about members.

Outcome of the Investigation

If the complaint is upheld there are a range of redresses and sanctions that can be implemented. The severity of the sanction will usually be dependent on the severity of the complaint and the actual or potential impact. All sanctions except dismissal would be implemented by the CEO conveyed through the individuals Line Manager.

The Liber8 Chairman is the only individual with the authority to dismiss an employee.

The range of sanctions available to the CEO would be in accordance with

Liber8's Disciplinary Policy and could include:

- Verbal or written warning
- Dismissal (by the Chairman of Board)
- Demotion of position and duties
- Suspension without salary for a set period of time, e.g. 2,4,6 weeks
- Termination of volunteer position / student placement
- Training Provider being informed, and any concerns communicated
- Retraining and refresher courses relative to complaint e.g. diversity
- Increased support and line management
- Increased clinical supervision
- Period of monitoring, review and evaluation for set period of time

The persons direct Line Manager would be responsible for reviewing the sanction conditions are being met and no deviation by the employee is noted; this will be conveyed to the C.E.O who will determine if the conditions of the sanction has been met fully by the employee. The list of sanctions is not an exhaustive list.

Both the complainant and the complained against will be informed of the sanction, time scales for completion and completed date of sanction.

The Complaint Manager may halt the complaint at any stage if it emerges that legal action is under way, pending or intended. The complaints procedure can be halted until any legal process is complete.

The Complaint Manager will be responsible for ensuring that any redress or sanctions are applied and fulfilled.

Stage Three (Appeal)

If the complainant is not satisfied with the response to the complaint, then the reasons should be given in writing in the same fashion as above and passed to Liber8's Board of Directors. Accepted appeals will be time limited for a period of 21 days from the received date of the notification of the investigative outcome. An Appeals Panel of two members, one of whom will be designated to Chairperson, will be convened to consider the Appeal; in order to ensure fair consideration, the following applies

a) Impartial investigator(s) independent of the complainant and person complained against, or an independent and impartial complaints panel, will be appointed to investigate.

b) Consideration will be taken as to whether the board of directors are able to impartially investigate a complaint.

c) No person will hear a complaint if they have been involved.

The members of the Appeal Panel will make a final decision after reading any necessary papers and speaking to relevant individuals involved with the complaint.

Any interviews will be conducted under the same terms as those for Stage Two. The Chairperson of the Appeals Panel will write to the complainant and complained against within 28 days of receiving the appeal to confirm the decision about the complaint which will be final. The letter will include:

- The reason for the decision
- The redress, if appropriate, which will be offered e.g. an apology
- Any action which may be taken in light of the complaint
- If it has not been possible to complete the investigation within 28 days, the reasons why and the expected completion date

The Appeals Panel may halt the complaint at any stage if it emerges that legal action is under way, pending or intended. The complaints procedure can be halted until any legal process is complete.

The Appeals Panel will be responsible for ensuring that any redress or sanctions are applied and fulfilled.

Stage Four (Reporting)

Because our Counselling Service is recognised by COSCA the results of any complaints against the Counselling Service will be submitted to COSCA.

The Outcome Report will be submitted to COSCA immediately or within one month of the conclusion of Liber8's complaints process.

COSCA will publish upheld complaints and their sanctions regarding COSCA Individual Members or Member Organisations

In addition, should the complaint be made regarding a counsellor accredited by BACP or BABCP and the complaint is considered to be of a serious nature Liber8 will submit details to BACP/BABCP

Procedural Review: COSCA

Once the appeals process has been exhausted the complainant can submit their complaint to COSCA, (Counselling and Psychotherapy in Scotland) the national governing body for psychotherapy and counselling in Scotland, under their Complaints Procedure which can be found at http://www.cosca.org.uk/guidance-policies/complaints

The complaint must be submitted within one month of the date of the above exhaustion date.

COSCA on receipt of the complaint, will verify if that the member's complaints procedure has been followed and the outcome was lawful, reasonable and properly explained.

COSCA (Counselling and Psychotherapy in Scotland)
16 Melville Terrace | Stirling | FK8 2NE
t: 01786 475140 e: info@cosca.org.uk www.cosca.org.uk

Getting Further Support

If you are unhappy with the results of the Complaints Procedure you may wish to pursue the matter with one of the organisations listed below.

COSCA Counselling & Psychotherapy in Scotland
16 Melville Terrace, Stirling, FK8 2NE
Telephone: 01786 475 140
Website: www.cosca.org.uk
You may approach COSCA for assistance if you are unsatisfied with the outcome of a complaint you have made against our Counselling Service.

British Association for Counselling & Psychotherapy (BACP)
BACP House, 15 St John's Business Park, Lutterworth LE17 4HB
Tel: 01455 883300, BACP http://www.bacp.co.uk

British Association for Behavioural and Cognitive Psychotherapies (BABCP)
Registered Office: Imperial House, Hornby Street, Bury, Lancashire BL9 5BN
Tel: 0161 705 4304 Fax:0161 705 4306 Email: babcp@babcp.com
http://www.babcp.coM

Office of the Scottish Charity Regulator (OSCR)
2nd Floor, Quadrant House, 9 Riverside Drive, Dundee, DD1 4NY
Telephone: 01382 220446 Website: www.oscr.org.uk

If you are unhappy with our response to a complaint regarding the way Liber8 is governed or aspects of financial management then you may approach OSCR for assistance.

Information Commissioners Office – Scotland
45 Melville Street, Edinburgh, EH3 7HL
Telephone: 0131 244 9001
Website: www.ico.org.uk
The ICO will be able to assist you if you are unsatisfied with the outcome of any complaint regarding how we have handled your information, they will also be able to advise you about the legal obligations all organisation have with regards to how they handle your information.

The following organisations may be able to offer you independent advice and support to make a complaint

Citizens Advice Bureau
Almada Tower, 67 Almada Street, Hamilton ML3 OHQ
01698 283477
There are a number of different CAB offices and outreach services in the

area, for details of all local services please go to www.cas.org.uk. You can also call 03454 04 05 06 to access the Consumer Advice Line.

Independent Advocacy

South Lanarkshire: Speak Out Advocacy Project
Brandon House, 23-25 Brandon Street, Hamilton, ML3 6DA
Telephone: 01698 283 228

North Lanarkshire: The Advocacy Project Advocacy Project
Cumbrae House, 15 Carlton Court, Glasgow, G5 9JP
Telephone: 0141 420 0961

About Liber8 Lanarkshire

Liber8 Lanarkshire is a registered charity (number SC038836) regulated by the Office of the Scottish Charity Regulator (OSCR), Liber8 is also a Company Limited by Guarantee (number SC331357)

Head Office: 1/3 Station Road Blantyre G72 9AA
Webpage: www.liber8.org.uk
Facebook: https://www.facebook.com/Liber8Ltd